

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

AUG

2006

Case No. 5563
Date Filed 7/2/06
Hearing Date _____
Receipt _____
Fee 600

Shaded Areas for Office Use Only

Type of Application

- ☒ Administrative Decision/Interpretation
☒ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5563 MAP 10 TYPE Special Exception

ELECTION DISTRICT 05 LOCATION 1152 Old Pylesville Road, Pylesville 21132

BY Robert and Kimberly Michel

Appealed because a special exception pursuant to Sec. 267-53D(1) of the Harford County Code to allow commercial vehicle and equipment storage and a special exception pursuant to Sec. 267-53H(1) of the Harford County Code to allow construction services in the AG District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Robert & Kimberly Michel Phone Number (410) 692-5416
Address 1152 Old Pylesville Rd Pylesville MD. 21132
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 1152 OLD PYLESVILLE RD
PYLESVILLE MD. 21132

Subdivision WHARTON ESTATES Lot Number 3
Acreage/Lot Size 23.084 Election District 05 Zoning AGRICULTURAL
Tax Map No. 0010 Grid No. 0002F Parcel 0240 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: our home, shed-office, Barn-in front field for horses,
Barn-in bottom field for horses, metal building for storage of hay, tractors, to use for oil
changes and short term truck storage
Estimated time required to present case: 1 hour

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☒ No ☐

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

We are requesting a special exception for construction services and to
park commercial vehicles on our property, (1 dump truck, 1 tractor trailer,
2 box vans 2 backhoes) to be screened. To use our metal pole bldg. to
do oil changes ^{on our trucks only} or if it is raining and the dump truck is loaded with sand
we can pull it into the bldg.

Justification

see attached.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Justification:

We have 1 AutoCAR, 1 dump truck with trailer, 2 backhoes and 2 box vans. This equipment is used for off site business and is currently screened on our property.

We are zoned and assessed agricultural and live in a community of Harford county where there are many farms and many pieces of large equipment are used and travel the roads daily. Atlantic tractor and supply is located directly across the road from our property where large equipment (tractors, trucks, mowers) are parked and worked on.

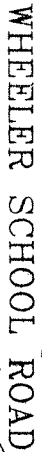
Our trucks will be parked approx. 300 feet from OUDYLESVILLE Rd behind a large area of trees, ~~and~~ an approximate 150 feet of wood buffer.

When the trucks exit from the driveway, there is 1000 feet of sight distance going NORTH AND more than 1/4 mile going South.

In closing I would like to ADD that David Lawrence at 2109 Whiteford Rd, Whiteford MD. lives 2 miles from our home, filed for and was approved for a special exception permit, case # 5358. He also had dump trucks and equipment to be parked at his agricultural property.

#12- Steel access- building

#13 where traces will be paired



RICHARD ENFIELD 1161/887 #827

LOT-5
12.076AC

LINE OF 100 YEAR
FLOOD PLANE-----

ROBERT J. MICHEL, #1152
LOT-3
23.084AC

LOT-4

23.130AC
HENRY BOYER 1106/620 #1140

OLD PYLESVILLE ROAD

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING AND ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

January 22, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 5563

APPLICANT/OWNER: Robert and Kimberly Michel
1152 Old Pylesville Road, Pylesville Maryland 21132

REPRESENTATIVE: John Gessner, Attorney
Gessner, Snee Mahoney and Lutche, P.A.
11 South Main Street, Bel Air, Maryland 21014

LOCATION: 1152 Old Pylesville Road-Wharton Estates
Tax Map: 10 / Grid: 2F / Parcel: 0240 / Lot: 3
Election District: Five (5)

ACREAGE: 23.084 acres

ZONING: AG/Agricultural

DATE FILED: July 31, 2006

HEARING DATE: January 31, 2007

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"We are requesting a Special Exception for construction services and to park commercial vehicles on our property, (1 dump truck, 1 tractor trailer, 2 box vans, 2 backhoes) to be screened. To use our metal pole bldg. to do oil changes on our trucks only or if it is raining and the dump truck is loaded with sand we can pull it into the bldg."

Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

Justification:

See Attachment 1.

CODE REQUIREMENTS:

The Applicants are requesting a Special Exception pursuant to Section 267-53D(1) of the Harford County Code to allow commercial vehicles and equipment storage and a Special Exception pursuant to Section 267-53H(1) of the Harford County Code to allow construction services in the AG/Agricultural District.

Section 267-53D (1) of the Harford County Code reads:

D. Motor Vehicle and related services.

- (1) Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provide that:*
 - (a) The vehicles and equipment are stored entirely within an enclosed building or fully screened from view of adjacent residential lots and public roads.*
 - (b) The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.*
 - (c) A minimum parcel area of two (2) acres shall be provided.*

Section 267-53H (1):

H. Services. [Amended by Bill No. 97-54]

- (1) Construction services and suppliers. These uses may be granted in the AG and VB Districts, provided that a buffer yard ten feet wide shall be provided around all outside storage and parking areas when adjacent to residential lot or visible from a public road.*

Section 267-91 of the Harford County Code will be discussed in detail later in the report.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located southwest of Whiteford. The subject property has frontage on the northwest side of Old Pylesville Road and the southeast side of Wheeler School Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The property is located outside of the Development Envelope. The predominant land use designation in this area is Agricultural. The Natural Features Map reflects Agricultural Preservation Districts and Easements and Sensitive Species Project Reviews Areas.

Agricultural – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses conform to the overall intent of the 2004 Master Plan. The predominant land use is Agriculture which includes cropland, pastureland and large areas of dense woodland (Attachment 6). There are no major residential developments. However, there are numerous scattered residences in the area. The topography in the northern end of the County ranges from rolling to steep as shown on the enclosed topography map (Attachment 7).

The subject property is square in shape with frontage on Old Pylesville Road and Wheeler School Road. The property can also be seen from Pylesville Road (Md. Route 165). The property is divided into segments with woods, flood plain and NRD through the center, an area of pastureland on the north side and pastureland and the existing improvements on the south side (Attachment 8). The topography of the subject property is rolling to steep which is typical for the area.

On the day of inspection the following items were observed around the property. In the wooded area to the front of the property there was an old untagged flat bed trailer with miscellaneous items stored on top, two storage box containers with tools leaning against the side, an old wooden shed in bad repair, junk piled next to the shed and a piece of commercial equipment on wheels. Outside of the wooded area there was a Kenworth road tractor with a low boy trailer hauling a backhoe and front loader, an untagged Nissan car next to a tractor trailer, an untagged ford pickup and ford van behind the tractor trailer, a large panel van with a trailer and miscellaneous items piled on it. To the right side of the house was an untagged VW Jetta, untagged Dodge Van, 2 untagged ford trucks one with a flat bed and the other with a utility bed. Inside the pole building was a panel van and commercial lift which appeared to be used during the construction of the building. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 9 and 10)

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification is AG/Agricultural. Residential

zoning is predominantly VR/Village Residential. Commercial zoning includes B2/Community Business District, B3/General Business District and VB/Village Business District. There are also areas of CI/Commercial/Industrial and GI/General Industrial District. The subject property is zoned AG/Agricultural as shown on the enclosed copy of the zoning map (Attachment 11).

Zoning Enforcement:

The subject request is the result of a Zoning Enforcement investigation. The Department received a complaint on May 25, 2006, concerning "a steel structure on the side of the house as big as a commercial truck, and trucks in and out all the time; Home office (H/O) and no permit".

The Department inspected the property on May 30, 2006, Mr. Michel was on site during the visit. He advised that the large steel structure will be used as an AG-building. He does operate his business from this location. He stated that he has a mobile welding company with 2 panel trucks. He also owns 2-backhoes, a dump truck and a semi tractor. The business is presently operated from a small shed next to the dwelling. A review of the records indicates that no U&O was issued for the dwelling. On June 22, 2006 the Department sent the Applicant a letter outlining the nature of the complaint, the findings of the property inspection and suggestions on rectifying the problems. The Applicant has filed for permits for the home occupation, and the barn on June 27, 2006. The Applicant scheduled a pre-application meeting on July 12, 2006. Enclosed with the report are copies from the Enforcement file for informational purposes only (Attachment 12).

SUMMARY:

The Applicants are requesting a Special Exception pursuant to Section 267-53D(1) of the Harford County Code to allow commercial vehicles and equipment storage and a Special Exception pursuant to Section 267-53H(1) of the Harford County Code to allow construction services in the AG/Agricultural District.

Section 267-53D(1):

D. Motor Vehicle and related services.

- (1) Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provide that:*

The Applicant's property is zoned AG/Agricultural.

- (a) The vehicles and equipment are stored entirely within an enclosed building or fully screened from view of adjacent residential lots and public roads.*

Presently the trucks and equipment are stored outside. While the trees provide screening from Old Pylesville Road, the property is completely in view from Md. 165. The Department is

recommending that the trucks and all of the equipment be stored inside the building. They can also use the building to do minor maintenance on the vehicles and equipment. All untagged/inoperable vehicles must be stored in a building, tagged or removed from the property.

- (b) *The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.*

This section is not applicable to the request.

- (c) *A minimum parcel area of two (2) acres shall be provided.*

The Applicants own a 23.084 acre lot recorded as lot 3 of Wharton Estates (Attachment 13).

Section 267-53H(1):

H. *Services. [Amended by Bill No. 97-54]*

- (2) *Construction services and suppliers. These uses may be granted in the AG and VB Districts, provided that a buffer yard ten feet wide shall be provided around all outside storage and parking areas when adjacent to residential lot or visible from a public road.*

The Department is recommending that all vehicles and equipment be stored in the pole building. Additional landscaping should be planted around the pole building.

Section 267-9I:

- (1) *The number of persons living or working in the immediate area.*

The subject property is located in a rural area of the County outside of the Development Envelope. The primary land use in the area is Agriculture with large active farms and large areas of dense woodland. There are residential areas throughout the community. The farms in the area use trucks, tractors and other equipment. With appropriate conditions there should be no adverse impact on persons living in the area.

- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The property is close to Md. Route 165 which is a state owned and maintained highway. This portion of Md. Route 165 is designated as a Minor Arterial Road. Because of the topography the property can be seen from Md. Route 165. The property has some frontage on Wheeler School Road however, access to the site is from Old Pylesville Road. Old Pylesville Road is a 2 lane

paved County maintained collector road. The sight distance on Old Pylesville Road at the Applicant's driveway is good. The Applicant's trucks and equipment should not adversely impact traffic in the area.

The Applicant will be required to submit a detailed site plan for review and approval thru the Development Advisory Committee. The Department of Public Works may require additional improvements to the entrance.

(3) The orderly growth of the neighborhood and community and the fiscal impact on the county.

The use is permitted in the Agricultural District as a Special exception with Board of Appeals approval. The Applicants can meet the standards established by the code. In addition to operating their business from the subject property the Applicants reside on site. To assure that the proposal is compatible with the neighborhood the Department recommends that all of the vehicles and equipment be stored within the pole building. There shall be no outside storage of vehicles or equipment. Further, any untagged and or inoperable vehicles must be tagged, stored within the building or removed from the property.

(4) The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.

The Applicant's vehicles and equipment should have no greater impact on the community than equipment and vehicles commonly used by the farming community.

(5) Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.

The Harford County Sheriff's Office and the Maryland State Police will provide police protection. The Whiteford/Cardiff Volunteer Fire Departments will provide fire protection and emergency service. The property is served by private well and septic systems. A company of the Applicants choice will handle trash collection.

(6) The degree to which the development is consistent with generally accepted engineering and planning principles and practices.

With proper conditions the use can be consistent with generally accepted planning principles.

(7) The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.

There are churches in the vicinity however the proposed use should have no impact on these uses.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal can be consistent with the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

There is a stream that runs across the rear of the property and according to the record plat there is an area of 100 year flood plain that cuts through the center of the property. A large portion of the property is also designated as NRD. The sensitive environmental features on this site should not be impacted if outside storage is prohibited.

- (10) *The preservation of cultural and historic landmarks.*

Not applicable to the request.

CONCLUSION:

The Applicant presently operates a construction service business that includes mobile welding and the installation of underground propane tank. Welding will not be permitted on site except for maintenance of the applicants own vehicles.

A meeting was held on January 4, 2006 between the Applicant, his Attorney Mr. Gessner, and staff from the Department of Planning and Zoning. The Applicant stated that in addition to the 2 Panel Vans with the portable welders, he has 2 dump trucks, 2 trailers and 2 backhoes used in the installation of propane tanks. These vehicles do not come home every night. There will be approximately 20 propane tanks stored in the building.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicants shall obtain all necessary permits and inspection for the pole building.
2. All vehicles, equipment and material shall be stored within the building. There shall be no outside storage.
3. The Applicant shall submit a detailed site plan to the County for review and approval thru the Development Advisory Committee
4. All untagged and inoperable vehicles shall be tagged, stored within a building or removed from the site.
5. All junk shall either be stored in a building or removed from the property.
6. The storage containers and the old shed located in the woods shall be removed from the property.

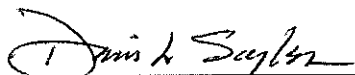
STAFF REPORT

Board of Appeals Case Number 5563

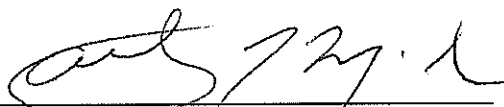
Robert & Kimberly Michel

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7. Landscaping shall be provided around the building. A landscaping plan shall be submitted to the Department of Planning and Zoning for review and approval with the site plan.
8. The approval is limited to 2 panel vans, 2 dump trucks, 2 trailers and 2 backhoes.
9. The approval is for the Applicant only and shall become void upon the sale or transfer of the property.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/dm